IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.Rev.Pet.No. 2945 of 2007()

ST.1213/2006 of OF 2006 OF THE JFCM IV, KOCHI

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REVN. PETITIONER: COMPLAINANT:

M/S. INDIAN DISTRIBUTORS,
DOOR NO.IX/86, N.I. ROAD, NEAR VILLAGE OFFICE,
NETTOOR P.O.,NETTOOR, REPRESENTED BY ITS POWER OF
ATTORNEY, MR.M.A.ABUBACKER,S/O. M.K. ABDULRAHIMAN,
RESIDING AT XI/847-G, MADATHUMPADY,EASTERN VALLEY,
KAKKANADU, KOCHI-682 037.

BY ADV. SRI.A.K.SRINIVASAN
SRI.N.S.MOHAMMED USMAN
SRI.A.S.BENOY

RESPONDENTS: ACCUSED & STATE:

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1. MR.SANTHOSH KUMAR V.K.,
PROPRIETOR, ROYAL POTTY LUBRICANTS,SANTHOSH BHAVAN
NEDUMONKAVU, KOLLAM-695 109.

2. STATE OF KERALA,
REPRESENTED BY LEARNED PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No. 2945 of 2007

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Dated, this the 10th day of August 2007

ORDER

The petitioner is the complainant in S.T. 1213 of 2006 on the file of the Judl. First Class Magistrate -IV, Kochi, for an offence punishable under Sec. 138 of the Negotiable Instruments Act, 1881. The cheque involved is for a sum Rs. 20,000/-. On the second day of posting of the above case, that is, on 29-3-2007 when the case was called, the complainant and his counsel were absent and the complaint was dismissed under Sec. 204 (4) Cr.P.C. also on the ground that postage or process fee for issuing summons by registered post was not produced.

2. Since the dismissal of the complaint was before issuing process to the accused, notice to respondents 1 to 3 herein is dispensed with. In the fitness of things, the court below should have given an opportunity to take steps for issue of notice to the accused. The learned counsel for the revision petitioner submitted that his counter-part could not appear before the court below as he was held up in a road block. He also submitted that the stamped cover for sending notice had been produced along with the complaint. I am

therefore, inclined to give the revision petitioner an opportunity to pursue the complaint. The impugned order, is accordingly, set aside and the matter is remitted to the court below for fresh disposal after giving the petitioner an opportunity to do the needful for the further progress of the complaint.

This Crl.R.P. is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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